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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,573	02/27/2002	Toshihiko Kaji	MAT-8236US	8948
23122	7590	02/08/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			VUONG, BACH Q	
			ART UNIT	PAPER NUMBER

2653

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,573

Applicant(s)

KAJI, TOSHIHIKO

Examiner

Bach Q. Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5, 7, 8, 11-19, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 9 is/are rejected.
- 7) ☒ Claim(s) 6, 10 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/27/02</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwayama (US 6,133,562).

Kuwayama, according to Figs. 1-4, shows a feed control device for use with an optical disk pickup comprising all features in claimed invention as interpreted below:

Regarding claim 1, see Figs. 1-4 which show a feed control device for use with a feed motor (see feed motor 8) which is used to move an optical disk pickup comprising: measuring means (see column 4, lines 1-42) for measuring movement of the optical disk pickup; and compensation means for effecting a feed control amount to effect operation of the feed motor based on a result of a comparison between the measured movement and a predetermined reference value.

Regarding claim 2, see Figs. 1-4 which show a feed control device for use with an optical disk pickup comprising: a feed to which the optical disk pickup is fixed; a feed motor for driving the feed (see feed motor 8 and pickup 3 in Fig. 1); a driver (see drive circuit 7) for transmitting unit for providing the feed control amount based on address information read from the optical disk, for measuring movement of the feed, for comparing the measured movement with predetermined reference value, and for effecting the feed control amount based on a result of the comparison (see column 4, lines 1-42).

Regarding claim 9, see Figs. 1-4 which show a method for compensating feed control amount for controlling driving of a feed, which optical pickup is fixed to, driven by a feed motor, comprising steps of: measuring movement of the feed; comparing measured movement with a predetermined reference value; and compensating a reference feed control amount effecting movement of the feed according to result of the comparison (see the respective disclosure of Fig. 1).

Allowable Subject Matter

Claims 6, 10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6, 10 and 20 are allowable over the prior art of record because all the cited references, considered as closest prior art and viewed in combination or individual, fails to suggest or fairly teach a feed control device and method for compensating feed control amount for controlling driving of a feed including a combination of all features as particularly recited in each of claims 6, 10 and 20.

Claims 3-5, 7, 8, 11-19, 21 and 22 are allowed over the prior art of record because all the cited references, considered as closest prior art and viewed in combination or individual, fails to suggest or fairly teach a feed control device and method for compensating feed control amount for controlling driving of a feed including a combination of all features as recited in each of claims 3, 5, 7 and 11. Claims 4, 8, 12-19, 21 and 22 fall with their respective parent claim.

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Cited References


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to moving device having feed control for an optical recording system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
January 31, 2005


THANG V. TRAN
PRIMARY EXAMINER